

SB 1038

VERY IMPORTANT - BILL BECOMES LAW ON AUGUST 28, 2008

This summary of the changes resulting from enactment of SB 1038 is intended as an aid in understanding the Campaign Finance Disclosure Law. For the Law's complete requirements, consult the Law itself, codified at Chapter 130 of the Revised Statutes of Missouri.

#1. Section 130.016 Certain Candidates exempt from filing requirements:

Changes current law language that allow a candidate to remain exempt provided that the aggregate of all contributions did not exceed the threshold (\$500 or \$1,000) depending on the office sought and NO one contributor made a contribution more than *"the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032."* Section 130.032 is removed by SB 1038. The *NEW LANGUAGE added TO READ* – allow a candidate to remain exempt provided that the aggregate of all contributions do not exceed the thresholds (\$500 or \$1,000) depending on the office sought and *NO ONE CONTRIBUTOR HAS MADE A CONTRIBUTION OF MORE THAN \$325.00*

#2. Section 130.021 Treasurer for candidates & committees

Added language to existing law REGARDING QUALIFICATION OF **ALL COMMITTEE TREASURERS**- each committee shall have a treasurer who shall be a resident of this state AND RESIDE IN THE DISTRICT OR COUNTY IN WHICH THE COMMITTEE SITS. Same requirement for a deputy treasurer: who SHALL RESIDE IN THE DISTRICT OR COUNTY IN WHICH THE COMMITTEE SITS.

#3. Same Section 130.021 – subsection 6

Subsection 6 – *Removed* language that provided any contribution in excess of the allowable limit be returned to the contributor within 5 business days. *After August 28, 2008 there will be no contribution limit so current language not needed.*

#4. Same Section 130.021 – subsection 12

Added language subsection 12 – EACH LEGISLATIVE AND SENATORIAL DISTRICT COMMITTEE SHALL RETAIN ONLY ONE ADDRESS IN THE DISTRICT IT SITS *for the purpose of receiving contributions.* Only two types of committees affected: Legislative & Senatorial Political Party Committees.

#5. Section 130.037 Committee for retiring past debts only

Current law a Debt Service committee may only accept contributions from persons who have not already given the maximum contribution at the previous election. That language is removed from the statute. After August 28, 2008 there will be no contribution limits. NO limit on amount any person may contribute to a debt service committee.

#6. Section 130.050 Out of State committees, reporting contents

In subsection 1 (4) Removes language requiring the listing by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made contribution during the reporting period which was *restricted or designated* in whole or in part for use in supporting a candidate, ballot measure or committee *in Missouri* or was *restricted for use in Missouri* at the committee's direction, or a statement that no such contributions were received. The result is that THE OUT-OF-STATE COMMITTEE **SHALL SUBMIT** THE NAME, ADDRESS, DATE AND AMOUNT OF **ALL CONTRIBUTORS TO THE COMMITTEE RECEIVED DURING THE REPORT PERIOD COVERED BY THE REPORT BEING FILED IN MISSOURI.** Report form S-3 amended to reflect this change in required information.

#7. Section 130.072 Fines for violation - limitation

Current law provides that any person who knowingly accepts or makes a contribution in violation of any provision of this chapter or who knowingly conceals a contribution or expenditure by filing a false or incomplete report or by not filing a required report, in addition to or in the alternative to any other penalty imposed by this chapter, **may** be held liable to the state in civil penalties in twice the amount of any such contribution or expenditure.

The changes in this section:

- 1) **may hold a person** changed to **SHALL HOLD A PERSON LIABLE**
- 2) civil penalties amount **EQUAL TO ANY SUCH CONTRIBUTION OR EXPENDITURE**
- 3) removes **not to exceed \$5,000 limit.**

#8. Section 130.032 Limitation on Contributions

This is the current section of the law that contains contribution limits on candidates for public office. SECTION 130.032 IS REMOVED FROM LAW: BOTH THE VERSION OF THE LAW ENACTED BY HB 1900 THAT WAS DECLARED UNCONSTITUTIONAL BY THE MISSOURI SUPREME COURT: AND, THE ORIGINAL LANGUAGE IN LAW, THAT EXISTED PRIOR TO THE ADOPTION OF HB 1900. _

#9. 130.044 - NEW SECTION ADDED – New Form Required

"All individuals and committees required to file disclosure reports under section 130.041 shall electronically report any contribution by any single contributor which exceeds five thousand dollars to the Missouri ethics Commission within forty eight hours of receiving the contribution. Such reports shall contain the same content required under section 130.041 and shall be filed in accordance with the standards established by the commission for electronic filing and other rules the commission may deem necessary to promulgate for the effective administration of this section."

A new form: CONTRIBUTIONS OF MORE THAN \$5,000 RECEIVED BY ANY COMMITTEE FROM ANY SINGLE DONOR SHALL BE REPORTED WITHIN 48 HOURS OF RECEIPT TO THE MISSOURI ETHICS COMMISSION. This new form will be available for electronic filing. The information reported on this form shall also be included in the next full disclosure report filed by the committee.